

- (4) Degrees of training required for such employees;
- (5) Grooming standards applicable to such employees;
- (6) Productivity and performance standards of such employees;
- (7) Styles and types of wearing apparel to be used on duty;
- (8) Size and composition of the work force within the bargaining unit;
- (9) Contracting or subcontracting of operations currently being performed by employees within the bargaining unit.

The obligation of the City to meet and confer regarding the foregoing subjects shall not be construed to require that the City and the Union reach agreement prior to the implementation of the types of modifications described in this subsection.

(d) Nothing in this section shall be construed to excuse the City from the obligation to meet and confer with the Union regarding any subject or matter not set forth in this section where required to do so by statute.

(e) Neither the Union nor any employee within the bargaining unit shall contest through the grievance procedure the authority of the City under state or federal law to exercise the rights enumerated in subsection (b). Except as provided therein, the Union may use the courts to contest the exercise of such authority.

It is a major purpose of this section to maximize the flexibility of the City to conduct its day-to-day operations.

Section 4. No Discrimination

There shall be no discrimination by either the bargaining unit or City on any basis prohibited by state or federal law or City policy.

Section 5. Employee Access to Representation and Records

Section 5.1 Union Representative

The Union shall be entitled to a reasonable number of representatives who shall restrict their activities to the handling of grievances and shall be allowed a reasonable amount of time for this purpose. The Union shall notify the City Manager in writing of the names of the representatives.

(a) Representatives shall obtain permission from their supervisors before leaving their workstations to resolve grievances. This provision shall not be used to prevent the representatives from performing their duties or obligations set forth in this

section; provided, however, that the use of time for this purpose shall be reasonable and shall not interfere with the requirements of the City's services, as determined by the City.

(b) Union representatives may receive but not solicit complaints or grievances of employees at the work location during work hours. They shall not interfere with the normal conduct of work duties of the employees, as determined by the department head.

(c) Activities such as soliciting for membership, collecting dues, holding membership meetings, campaigning for office, conducting elections, and distributing literature are strictly prohibited during working hours without the prior approval of the City Manager.

(d) In the event the City believes that the Union representatives are abusing the provisions of this section, it shall contact the Union or its representative to arrange a mutually acceptable time and place to investigate the City's complaint and to assure full compliance by the bargaining unit representative to the extent possible.

(e) Whenever an employee is required to meet with a supervisor and the employee reasonably anticipates that such meeting will involve questioning leading to disciplinary action, the employee shall be entitled to have a Union representative present upon request. In the event the employee desires the presence of a Union representative, the City will contact the bargaining unit to arrange a mutually acceptable time to hold the meeting. Once scheduled, neither party shall be required to reschedule the meeting for the convenience of the other. This provision shall not prohibit the City from taking immediate action if, in City's opinion, immediate action is necessary.

Section 5.2 Personnel Files

An employee, or on presentation of written authorization from the employee, an employee's representative shall have specific access to the employee's personnel file upon request and reasonable convenience of the Human Resources Division. Documentation in the personnel file relating to the investigation of a possible criminal offense, background information on the employee, and letters of reference may be specifically excluded from the inspection and review of the employee and/or the employee's representative. Medical records and information which would be privileged under state law pursuant to the attorney-client privilege or the work product doctrine may also be excluded. Non-Privileged medical records involving workers' compensation, disability medical evaluation, and pre-hire medical reports shall be included in the employee's personnel file. Personnel files may only be reviewed in the presence of a